



**Michigan Supreme Court  
State Court Administrative Office**

Michigan Hall of Justice  
P.O. Box 30048  
Lansing, MI 48909  
Phone: (517) 373-0130  
John D. Ferry, Jr., State Court Administrator

**MEMORANDUM**

DATE: September 23, 2004

TO: Chief Circuit Judges, Presiding Family Division Judges  
cc: Friends of the Court, Family Division Administrators, Circuit Court Administrators

FROM: John D. Ferry, Jr.

SUBJ: 2004 Public Act Concerning Friend of the Court Duties to Enforce Cases Without IV-D Applications

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Effective October 1, 2004, new laws take effect that will change several practices in the courts and friend of the court (FOC) offices. We have heard that some FOCs are unclear concerning their obligations to enforce spousal support as a result of this legislation and an earlier communication from the Office of Child Support (OCS) concerning the alimony (AL) and spousal support (SS) debt types used in the Michigan Child Support Enforcement System (MiCSES).

Effective October 1, 2004, MCL 552.503(6) provides:

Except as otherwise required by federal law on cases that are eligible for funding under title IV-D, the friend of the court is only required to perform activities under the Friend of the Court Act or the Support and Parenting Time Enforcement Act when a party in the case has requested title IV-D services.

The new provision is designed to allow the FOC to receive funding on all cases to which title IV-D applies. When the case is otherwise eligible for title IV-D, but a person refuses to request the services, the FOC may refuse to provide services under the Friend of the Court Act and the Support and Parenting Time Enforcement Act, unless federal law requires the service to be provided.

This provision does **not** relieve FOCs of the obligation to provide services on cases involving only spousal support. Both the Friend of the Court Act and the Support and Parenting Time Enforcement Act define support to include spousal support. This means that all support collection and enforcement measures in both acts apply.

Recent communications from the OCS stating that offices should not use the AL debt type (alimony) have raised questions about the Michigan State Disbursement Unit's ability to handle spousal support only cases. The OCS communication eliminates use of the AL debt type because it was designed for property settlement. OCS has directed that FOCs use the debt type SS to continue to collect spousal support.

If you have further questions, please contact Steve Capps by phone at 517-373-9318 or by e-mail at [cappss@courts.mi.gov](mailto:cappss@courts.mi.gov) .